



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/735,007

12/12/2003

Won Ho Chun

2080-3-202

2302

35884

7590

01/08/2009

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

EXAMINER

ZHAO, DAQUAN

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

01/08/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@LHLAW.COM
ip.lhlaw@gmail.com
ip.lhlaw@live.com

Office Action Summary	Application No.	Applicant(s)	
	10/735,007	CHUN, WON HO	
	Examiner	Art Unit	
	DAQUAN ZHAO	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 21-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/8/2008 has been entered.

Response to Arguments

2. Applicant's arguments filed 12/8/2008 have been fully considered but they are not persuasive.

3. For claims 16 and 17, applicant argues, see pages 7-9 of the remark, the combination of Ward et al and Tani "Would fail to teach or suggest photographing a color code comprising broadcast program information for a specific broadcast program because applicant concludes the combination of Ward et al and Tani "recording a specific program is not the same as recording all the programs associated with the theme." The examiner disagrees.

Ward et al teach, see paragraph [150]-[153], using the EPG's recording function to record a broadcast during a specific time period. Therefore, it is impossible, for the combination of Ward et al and Tani, to record "every news program associated with the "National News". The color code of Ward et al has to be for the specific broadcast program because: first, "the speed sensitive tape capacity feature uses color coding to

Art Unit: 2621

identify in one color the titles..., wherein the "title" is from the record list of broadcast programs of the EPG that the view has selected to be recorded; Second, see paragraph 192-193, the broadcast is selected by view using the color code. By using the EPG, the theme program at a specific time can be reserved-recorded.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al (US 2005/0,010,949 A1) and further in view of Tani (US 2004/0,041,026).

For claim 16, a method for reserve-recording a tv broadcast program comprising: reading EPG (Electronic program Guide) data corresponding to the color code from a EPG database (e.g. paragraph [0192]-[0193]); parsing reserve-recording information of reserve-recording information of a broadcast program desired to be recorded by a user from the read EPG data (e.g. paragraph [0150]-[0153], using the EPG's recording function to record a broadcast during a specific time period. Therefore, it is impossible, for the combination of Ward et al and Tani, to record "every news

Art Unit: 2621

program associated with the "National News". The color code of Ward et al has to be for the specific broadcast program because: first, "the speed sensitive tape capacity feature uses color coding to identify in one color the titles..., wherein the "title" is from the record list of broadcast programs of the EPG that the view has selected to be recorded; Second, see paragraph 192-193, the broadcast is selected by view using the color code. By using the EPG, the theme program at a specific time can be reserved-recorded); recording the parsed reserve-recording information on a reserve-recording list (e.g. paragraph [0150]-[0153]); and displaying a message related to the reserve-recording information and the reserve-recording list on a screen (e.g. paragraph [0137], The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. See MPEP 2106 [R-6] II. C. the limitations after "for" was not given any patentable weight by the examiner).

Ward et al teach an EPG uses color-code to categorizes programs according to a plurality of themes, see paragraph 192-193 and user can reserve program for recording through the EPG, see paragraph 136-137. Therefore Ward et al teach a color code comprising broadcast program information because the code-code represents the themes of the TV programs. However, Ward et al fail to teach the color-code is "a photographing color code". Tani teaches "a photographing color code". It would have

Art Unit: 2621

been obvious to one ordinary skill in the art at the time the invention was made to try to use the photographing color code of Tani to replace the color code of Ward et al to represent the same themes of the TV programs as Ward et al (see KSR International Co. v. Teleflex Inc. (KSR), 550 U.S. ___, 82 USPQ2d 1385 (2007), Obvious to try).

For claim 17, Ward et al teaches a broadcast date and a broadcast time of the broadcast program (e.g. paragraph [0153]).

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al (US 2005/0,010,949 A1) and Tani (US 2004/0,041,026) as applied to claims 16 and 17 above, and further in view of Labeeb et al (US 2003/0,093,792 A1).

For claim 18, Ward et al and Tani fail to teach generating an address indicating the EPG data and reading the EPG data corresponding to the generated address from the previously stored EPG database. Labeeb et al teach generating an address indicating the EPG data and reading the EPG data corresponding to the generated address from the previously stored EPG database (e.g. paragraph [1117] and [1121]). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Labeeb et al into the teaching of Ward et al and Tani to increase the retrieval speed of the EPG data.

Art Unit: 2621

7. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman (US 2002/0,112,239 A1) and Ward et al (US 2005/0,010,949 A1), further in view of Tani (US 2004/0,041,026).

For claim 13, Goldman teaches an apparatus for reserve-recording a TV broadcast program, comprising:

an EPG (Electronic Program Guide) database for previously storing EPG data (e.g. figure 1, paragraph [0033], Goldman teaches the EPG can come from the internet); a cable modem for receiving EPG data corresponding to the color code from the EPG database (e.g. figure 6, Modem 66, paragraph [0066], since Goldman teach the EPG can come from the internet, the Modem 66 has to be used to receive the EPG);

a decoding unit for receiving reserve-recording information of a broadcast program desired to be recorded by a user from the EPG data received from the EPG database through the cable modem (e.g. figure 6, Modem 66, paragraph [0066], since Goldman teach the EPG can come from the internet, the Modem 66 has to be used to receive the EPG, the EPG has to be decoded by the set-top box of figure 6, since signal decoder(s) 72 of figure 6 in the "signal input" device 18 is the only decoding device in the set-top box as shown, the examiner takes the position that the EPG data of the all the signals coming into the system have to be decoded by the decoder(s) 72);

However, Goldman fail to teach recording the read reserve-recording information on a reserve-recording list; a user interface for outputting a message related to the reserve-recording information of the broadcast program and the reserve-recording list through an on screen display on a screen; and Goldman fails to teach the color-code is

Art Unit: 2621

“a photographing color code”. Ward et al teach recording the read reserve-recording information on a reserve-recording list; a user interface for outputting a message related to the reserve-recording information of the broadcast program and the reserve-recording list through an on screen display on a screen (e.g. paragraph 151-153); It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Ward et al into Goldman for the user's convenience.

Goldman teaches in paragraphs 11-12 a color- code associated with a TV shows that the buddy of the user is watching in the EPG or Ward et al teach a color-code associated with a TV shows (e.g. paragraph 151-153). Therefore Goldman and Ward et al both teaches a color code comprising broadcast program information. However, Goldman and Ward et al fails to teach the color-code is “a photographing color code”. Tani teaches "a photographing color code" (e.g.figure 3, CCD camera, paragraph [0029]-[0030]). It would have been obvious to one ordinary skill in the art at the time the invention was made to try to use the photographing color code of Tani to replace the color code of Goldman and Ward et al to represent the same themes of the TV programs(see KSR International Co. v.Teleflex Inc. (KSR), 550 U.S. ___, 82 USPQ2d 1385 (2007), Obvious to try).

For claim 14, Goldman teaches a broadcast date and a broadcast time of the broadcast program (e.g. paragraph [0034]).

Art Unit: 2621

8. Claims 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman (US 2002/0,112,239 A1) and Tani (US 2004/0,041,026) as applied to claims 13 and 14 above, and further in view of Fries et al (US 7,134,134 B2).

For claim 15, Goldman and Tani fail to teach the decoding unit generates an address indicating EPG data. Fries et al teach decoding unit generates an address indicating EPG data (e.g. column 4, line 66- column 5, line 17). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Fries et al into the teaching of Goldman and Tani to provide more information about the broadcasting TV program to user (Fries et al, column 2, lines 5-17).

For claim 19, Fries et al teach the modem reads EPG data from the EPG database using the generated address and transmits the read EPG data to the decoding unit.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman (US 2002/0,112,239 A1), Tani (US 2004/0,041,026) and Fries et al (US 7,134,134 B2). as applied to claims 13, 14, 15 and 19 above, and further in view of Ward et al (US 2005/0,010,949 A1).

For claim 20, Goldman, Tani and Fries et al fail to teach the parses reserve-recording information of the broadcast program selected to be recorded from the received EPG data and stores the parsed reserve-recording information to the reserve-recording list. Ward et al teach parses reserve-recording information of the broadcast

Art Unit: 2621

program selected to be recorded from the received EPG data and stores the parsed reserve-recording information to the reserve-recording list (e.g. paragraph 103-104). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Ward et al into the teaching of Goldman, Tani and Fries et al for the user's convenience.

Allowable Subject Matter

10. Claims 21-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daquan Zhao

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621